

# Randolph Zoning Board of Appeals

November 1, 2017

ZBA03-2017

Sean Whelan

907 Rear North Street

Randolph, MA 02368

## ***Hearing Minutes***

### ***Attendance:***

**Arnold Rosenthal, Chairman Alexander Costa, Vice Chairman Kevin O'Connell, Treasurer Sean Fontes, Charles Gordon, Alternate** Kim Nguyn, Alternate, Robert Cornish, Alternate Secretary/Clerk John J Hill Jr.- Those in **BOLD** Sitting on Hearing.

7:05pm

Chairman opened the hearing read the LN.

### LEGAL NOTICE TOWN OF RANDOLPH PUBLIC HEARING

The Randolph Zoning Board of Appeals will hold a Public Hearing on Wednesday, November 1, 2017, at 7:00 P.M. at the Town Hall in accordance with the provisions of M.G.L. Chp. 40A, on the application of Sean Whelan, on property located at 907 Rear North Street, Randolph Massachusetts, to vary the terms of the Zoning By-laws, Section 200-24 Continuation: Modifications (Non-Conforming Uses), 200-37 Lot Frontage; Required 100' Requested 62.33', 200-33 Buffer Strips B (1), (2), (3), F., & G.; Or any other section of the Zoning By-Law applicable to Construct a One Story Steel Fabricated Building for Contractor Workshops, Storage, and Parking.

Premises are located on Assessor's Map as follows:

Map 16, Block K. & Parcel 003.2B

Plans may be viewed on the Town Hall Bulletin Board.

Arnold Rosenthal, Chairman

Al Costa, Vice Chairman

ZBA # 03-2017

Publish: October 13, 2017 and October 20, 2017 in the Randolph Herald.

Mr. Sean Whelan and Mr. Jack Garland, ESQ. introduced themselves. Mr. Whelan is from Braintree, and Mr. Garland, ESQ. is from Quincy.

Mr. Sean Whelan presented a check to the chairman for Fees.

Mr. Jack Garland, ESQ. this is a 1 story metal fabricated 12,000 Sq. Ft. 13 Bay Building. Spoke about the project as to what was the original proposal and that changes to the location of the building to get most of it out of the Buffer Zones. The building is sitting in pieces in North Andover waiting to be brought to Randolph and erected. I have a letter from the owner of the Liquor/Convenience store to be read into the record.

Chairman reads letter:

Copy of letter attached. Exhibit (1)

**Public:** In Favor: None.

**Public:** Not in Favor –

Virginia Aello, 908 North Street Randolph MA 02368

Concerns – Congested area, more traffic. Reservoir use, drainage off the property. Safety Traffic at the Liquor Store. Hedge blocking view coming out of Powdrell St. School Busses, Blue Hills School children waiting in road on the corner. MBTA Buses. How is the Fire Department going to get down the road.

Letter from Simone Veasor, 918 North Street, Randolph MA 02368.

Copy of letter attached. Exhibit (2)

Danelle Karamanian – Gleva, 3 Maitlyn Ave Randolph MA 02368

Traffic is crazy. Liquor Store owner only been there about 1 – 2 years. Traffic coming and going from the Liquor store on Friday night.

Michael Gleva 3 Maitlyn Ave Randolph MA 02368

Parking issues, Dark area, Bus activity.

**Public Portion Closed.**

### **Board Questions:**

Kevin O'Connell – Hours of Operation? Sean said 6:30AM leave the site, return around 4:30 – 5:00 PM. Bays are 40' x 21' 840 Sq. Ft. with a Mezzanine.

Owner will take about 3 – 4 bays for his Business. (Brick Layer/Water Sealer) He has talked with a Door Company and Electricians about renting bays.

Is there going to be a locked gate to the property? There is a gate now and am looking at adding a access system to allow tenants a key code to get in and out, so I will have a record of who comes and goes.

No lighting plan as of now. If needed, we will add. We are going to have LED Lights on the building at each entrance way and garage door.

The will be a lot of trees cut to make room for the building but will keep as many as we can and those that need to be removed in the Buffer area we will replace.

Sean Fontes – The spaces will be rented/leased to contractors no Retail? Owner Sean, Yes no Retail. Just construction small businesses. Parking 2 spaces per unit. Total 26 Spaces. Weekend operation? Sean, not usually. Maybe a tenant needs a saw or some other piece of equipment he may need to swing by and pick up. No Mechanic work allowed? Sean, Yes there will no work on the premises.

Charles Gordon – Did you talk to the neighbors – Sean, No.

Did you talk to the Councilors?

How much will you contribute to the traffic? Sean, I do not think the amount of vehicles coming in and

leaving are going to cause any additional traffic congestion. They arrive and leave at staggered times. I will do what I can on my property to increase the visibility.

Chairman Arnold Rosenthal – All components are in North Andover? Sean, Yes. I purchased the building and had to store it till this process was complete and can have it shipped down here and installed.

I visited the location and it is a Jungle. Sean, Yes all overgrown.

There is a Frontage Problem. You need to make this entrance work for the traffic.

**Motion:**

200-37 – Lot Frontage – From 100' required to 62.33' requested.

Motion Made by Kevin O'Connell and seconded by Charles Gordon:

4 in favor 1 against

Rosenthal = Yes

Costa = Yes

Fontes = No

O'Connell = Yes

Gordon = Yes

***Variance Finding:***

permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

**Motion:**

200-24 Continuation/Non-Conforming – The project is not Injurious to the Neighborhood.

Motion made by Kevin O'Connell and seconded by Al Costa:

All in favor 0 against

Rosenthal = Yes

Costa = Yes

Fontes = Yes

O'Connell = Yes

Gordon = Yes

***Variance Finding:***

permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good

and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

**Motion:**

200-33 B (1),(2),(3), F, & G. Buffer Zones.

Building to be placed as per the Drawing. Building, Parking in the buffer zone is allowed.

Motion made by Kevin O'Connell and seconded by Charles Gordon:

4 in favor 1 against

Rosenthal = Yes

Costa = Yes

Fontes = No

O'Connell = Yes

Gordon = Yes

***Variance Finding:***

permit granting authority specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

**Conditions:**

The following conditions are set forth in all the decisions awarded here in.

- 1) There will be no repairs of vehicles on the property or in the buildings.
- 2) There will be no Retail/Wholesale Sales of any kind.
- 3) Hours of operation will be from 6AM to 6PM Monday thru Friday.
- 4) Dumpster pickup not before 7AM and during open hours.
- 5) No Tractor Trailer units allowed.
- 6) No Sign(s) at entrance other than address sign.

Motion made by Kevin O'Connell and seconded by Al Costa:

4 in favor 1 against

Rosenthal = Yes

Costa = Yes

Fontes = No

O'Connell = Yes

Gordon = Yes

**Motion:**

To approve the project with conditions:

Motion made by Kevin O'Connell and seconded by Al Costa:

4 in favor 1 against

Rosenthal = Yes

Costa = Yes

Fontes = No

O'Connell = Yes

Gordon = Yes

Chairman Rosenthal read the Appeal process from 40A Section 17.

Chairman closed the public hearing at 8:09PM

Filed with the Town Clerk.

Date: \_\_\_\_\_

\_\_\_\_\_  
John Hill Clerk/Secretary